

HANSON BRIDGETT LLP  
ANDREW G. GIACOMINI, CA SBN 154377  
agiacomini@hansonbridgett.com  
PATRICK T. BURNS, CA SBN 300219  
pburns@hansonbridgett.com  
ALENE M. TABER, CA SBN 218554  
ataber@hansonbridgett.com  
BIANCA A. VELEZ, CA SBN 339795  
Bvelez@hansonbridgett.com  
425 Market Street, 26th Floor  
San Francisco, California 94105  
Telephone: (415) 777-3200  
Facsimile: (415) 541-9366

Attorneys for Plaintiffs  
DOES 1-100, Individual Persons

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

DOES 1 -100, Individual Persons,

Plaintiffs,

vs.

NATIONAL PARK SERVICE, a federal  
agency,

Defendant.

Case No. 3:24-cv-09009

**COMPLAINT FOR:**

- 1. FIFTH AMENDMENT**
- 2. FAIR HOUSING ACT**
- 3. DECLARATORY JUDGMENT ACT**
- 4. NATIONAL ENVIRONMENTAL POLICY ACT**
- 5. ALL WRITS ACT**

## INTRODUCTION

1  
2           1.       Beef cattle and dairy operations at Point Reyes have a long and rich history dating  
3 back to the 1830s. When Point Reyes was established as a National Seashore, multi-generational  
4 ranching became a legislatively authorized use. It still is to this day.

5           2.       In response to the then Secretary of Interior Salazar's directive that the National Park  
6 Service pursue extending permits for the ranchers to 20-year terms, the National Park Service began  
7 a planning process to allow for the ongoing practice of permitting commercial dairy and cattle  
8 ranching in the National Seashore. Three environmental groups, Resource Renewal Institute, Center  
9 for Biological Diversity and Western Watersheds Project, sued the National Park Service in 2016  
10 objecting to the issuance of these permits. The parties settled their lawsuit with the National Park  
11 Service agreeing to issue an amendment to the 1980 General Management Plan ("GMPA") that  
12 addressed and analyzed the environmental impacts of continuing to allow livestock grazing at the  
13 Seashore. The National Park Service agreed to consider and evaluate the following alternatives: a  
14 no ranching alternative, no dairy ranching alternative, and a reduced ranching alternative. There was  
15 no requirement that the National Park Service exercise its discretion in a particular way or select a  
16 non-ranching preferred alternative.

17           3.       After ten years of studies and analysis and a robust public process that considered  
18 over 8,000 public comments, the National Park Service decided to issue 20-year leases to ranchers  
19 at the Point Reyes National Seashore. This was welcome news to the people who work and live on  
20 these ranches. Their jobs and housing were safe and secure.

21           4.       Even though the three environmental groups agreed to this process, they nevertheless  
22 again sued the National Park Service, this time over the resulting decision (the "Environmentalists'  
23 Lawsuit"). The environmental groups are seeking a permanent injunction prohibiting the National  
24 Park Service from approving 20-years leases with the ranches, which will result in the  
25 discriminatory practice of evicting Hispanic agricultural workers and their families ("Agricultural  
26 Workers" also referred to as Does 1-100) from their homes without due process.

27           5.       For almost three years the Environmentalists' Lawsuit has never progressed. Rather,  
28 it was used as a vehicle to shield from the public the environmental groups and National Park

1 Service's secret negotiations to reverse the decision that emerged from the lengthy public process  
 2 of allowing multi-generational ranching to continue – something that would not have been legally  
 3 permitted absent the litigation. It is inconceivable that the result of the public process can be  
 4 overturned by a few special interests. But that is what is occurring. And the National Park Service  
 5 intends to ram this decision through its internal approval process without public participation or a  
 6 revised Environmental Impact Statement (“EIS”). Absent this litigation, there would be no public  
 7 process at all.

8         6.         The ranchers intervened in the Environmentalists' Lawsuit to protect their interests.  
 9 But they are prevented from disclosing any information to the public because to participate they had  
 10 to sign non-disclosure agreements. This lack of transparency, secret negotiating, and imposition of  
 11 a gag order on matters of public importance is contrary to the public interest.

12         7.         The people that work and live on the ranches, the Agricultural Workers, who are at  
 13 risk of becoming unhoused and joining the tens of thousands of people living on the streets, tried to  
 14 intervene in the Environmentalists' Lawsuit like the ranchers did. But, unlike the ranchers, their  
 15 attempts were met with considerable opposition from the environmental groups and National Park  
 16 Service. As such, the Agricultural Workers were left with no option but to file their own lawsuit to  
 17 ensure their interests are protected.

### 18                     **JURISDICTION**

19         8.         This Court has subject matter jurisdiction under Article III, § 2 of the U.S.  
 20 Constitution and 28 U.S.C. § 1331 because this Complaint arises out of the Fifth Amendment of the  
 21 U.S. Constitution, and the laws of the United States including the Fair Housing Act (Title VIII of  
 22 the Civil Rights Act of 1968) 42 U.S.C. §§ 3601 et seq., the Declaratory Judgment Act, 28 U.S.C.  
 23 §§ 2201 et seq., the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 et seq.; the  
 24 Administrative Procedure Act (APA), 5 U.S.C. §§ 701 et seq., and the All Writs Act, 28 U.S.C. §  
 25 1651.

26         9.         An actual, justiciable controversy now exists between Agricultural Workers and  
 27 Defendant. Agricultural Workers are informed and believe that the National Park Service has made  
 28 a final decision to enter into agreements with the environmental groups, Resource Renewal Institute,

1 Center for Biological Diversity and Western Watersheds Project, and Intervener-Defendants, the  
2 Point Reyes Seashore Ranchers Association and individual ranchers, to settle the Environmentalists’  
3 Lawsuit. The National Park Service’s decision has determined the rights or obligations of the parties  
4 to the Environmentalists’ Lawsuit, but not the Agricultural Workers’ rights. Agricultural Workers  
5 are informed and believe that the settlements result in the ranches ceasing to operate and vacating  
6 all of the structures, including the Agricultural Workers’ homes. Agricultural Workers are informed  
7 and believe that the National Park Service’s decision is sufficiently concrete so that legal  
8 consequences that will flow are particularized. Specifically, the Agricultural Workers are informed  
9 and believe that they will be evicted from their homes without due process. The Agricultural  
10 Workers are, therefore, opposed to any settlement agreement that requires their homes be vacated.  
11 The imposition of the gag order on the settlement negotiations deprives the affected Agricultural  
12 Workers from obtaining information directly from the parties to that lawsuit. As such, Agricultural  
13 Workers rely upon newspaper reports and information received from others.

14 10. The federal government waived sovereign immunity pursuant to 5 U.S.C. § 702, 42  
15 U.S.C. § 3613, and 28 U.S.C. § 1343.

16 11. Agricultural Workers are not required to have exhausted any administrative remedies  
17 because the settlement agreement has not been the subject of any administrative hearing process.  
18 Rather, it has been negotiated in secret without Agricultural Workers’ participation. The National  
19 Park Service has indicated that the agreement will not be part of an administrative hearing process  
20 in the future. In fact, the National Park Service’s failure to provide an administrative hearing process  
21 forms the basis for a number of the causes of action.

### 22 VENUE

23 12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because all or a  
24 substantial part of the events or omissions giving rise to the claims herein occurred within this  
25 judicial district, and the affected public lands and resources are located in this judicial district.

26 13. This case concerns substantially the same property and event in the  
27 Environmentalists’ Lawsuit, Case No. 3:22-cv-145-MMC, pending before the Honorable Maxine  
28 M. Chesney in the San Francisco Division, and it would appear likely that there will be an unduly

1 burdensome duplication of labor and expense or conflicting results if the cases are conducted before  
2 different Judges. As such, this civil action should be assigned to the San Francisco Division.

### 3 **PARTIES**

4 14. Plaintiffs, DOES 1 - 34 are individual persons that live in homes on ranches located  
5 in the Point Reyes National Seashore in West Marin County, California and some are also employed  
6 on the ranches.

7 15. Defendant, NATIONAL PARK SERVICE, is an agency of the United States within  
8 the U.S. Department of Interior. The National Seashore is managed by the National Park Service.

9 16. Plaintiffs anticipate that other persons will join this case as plaintiffs after this  
10 Complaint is filed and served. These persons will also be agricultural workers and their families that  
11 live and work on ranches located in the Point Reyes National Seashore. Those plaintiffs are  
12 identified as DOES 35-100. Plaintiffs will seek leave to amend as these DOES become plaintiffs in  
13 this case.

### 14 **STANDING**

15 17. Agricultural Workers have established for each cause of action that they have: (1) an  
16 injury in fact; (2) that is fairly traceable to the challenged action of the defendant; and, (3) that can  
17 be redressed by a favorable decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992).  
18 Therefore, Agricultural Workers meet the Article III standing requirements.

19 18. Agricultural Workers have standing to assert their Fifth Amendment claims because  
20 each of them will suffer injury by losing the ability to live in their current housing. Given the severe  
21 shortage of housing the Agricultural Workers can afford in Marin County and the extremely long  
22 wait times for public assistance, it is very likely that they will end up unhoused. Such injury is  
23 directly traceable to the National Park Service because it reversed course on the General  
24 Management Plan Amendment (“GMPA”) – that will result in a loss of housing for the Agricultural  
25 Workers. Specifically, Agricultural Workers are informed and believe that the National Park Service  
26 decided that the ranches will cease to operate, all ranch worker housing structures will be vacated,  
27 and the Agricultural Workers will be evicted. Agricultural Workers contend the due process they  
28 are entitled to consists of the government providing fair notice of its actions, holding a hearing

1 before an impartial tribunal as part of the Writ cause of action, and giving the affected persons the  
 2 right to be heard and present their case. Agricultural Workers will continue to live on the ranches if  
 3 permitted to do so by the National Park Service. The National Park Service's decision to proceed in  
 4 secret causes the Agricultural Workers' liberty and property interests to be invaded by the  
 5 government without an opportunity to challenge that invasion and prevent their eviction. If its  
 6 actions are found unconstitutional, the National Park Service would be enjoined from evicting the  
 7 Agricultural Workers in this manner, which would redress their injuries.

8 19. Standing under section 812 of the Fair Housing Act (42 U.S.C.A. § 3612) extends to  
 9 the full limits of U.S. Constitution Article III. *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982).  
 10 The Fair Housing Act authorizes "an aggrieved person" to bring a cause of action for enforcement.  
 11 42 U.S.C. § 3613(a). An aggrieved person is defined to include "any person who (1) claims to have  
 12 been injured by a discriminatory housing practice; or (2) believes that such person will be injured  
 13 by a discriminatory housing practice that is about to occur." 42 U.S.C.A. § 3602(i). An aggrieved  
 14 person is not required to be a U.S. citizen and can be undocumented immigrants. *Espinoza v. Farah*  
 15 *Mfg. Co., Inc.*, 414 U.S. 86 (Title VII's prohibition of discrimination against "any individual" means  
 16 that "aliens are protected from discrimination.").

17 20. Agricultural Workers have standing to bring a claim under the Fair Housing Act  
 18 because they are being injured by the National Parks Service's discriminatory housing practice.  
 19 *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 211 (1972). Specifically, the National Parks  
 20 Service's agreement to settle the Environmentalists' Lawsuit by having the ranchers relinquish their  
 21 leases and close down the ranches, including vacating worker housing will significantly impact  
 22 Agricultural Workers, who are not able to locate affordable housing in Marin County. This Court's  
 23 granting of the requested injunction before the settlement is finalized will redress this injury.

24 21. The Declaratory Judgment Act authorizes federal courts to grant relief in a "case of  
 25 actual controversy." 28 USC § 2201(a). This statutory phrase refers to the type of "Cases" and  
 26 "Controversies" that are justiciable under Article III; i.e., cases involving a substantial controversy  
 27 between parties having adverse interests of sufficient immediacy and reality.

28 ///

22. There is an actual dispute relative to the legal rights of the Agricultural Workers and the obligations of the National Park Service. The Agricultural Workers contend that the National Park Service cannot reverse course on the GMPA without providing due process, and complying with the Fair Housing Act and NEPA. The National Park Service contends that it can reverse its decision that is memorialized in the Record of Decision (“ROD”) and GMPA, without providing due process and reopening public comment and the EIS. As such, this lawsuit is the only means for the Agricultural Workers to have a say in the negotiations before a final judgment is entered settling the Environmentalists’ Lawsuit. Without the relief sought through this lawsuit, the Agricultural Workers face imminent eviction in the near future. A judicial declaration that the National Park Service cannot proceed in this manner, would redress the Agricultural Workers’ injuries by protecting their interests and making clear that the National Park Service cannot enter into a settlement of the Environmentalists’ Lawsuit that deprives them of their housing.

23. NEPA challenges proceed under the APA. The APA grants federal court standing to any “person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute.” 5 USC § 702. When a plaintiff alleges a “procedural injury”—such as the failure to comply with NEPA—the “ ‘normal standards for ... [the] immediacy’ of the injury are relaxed.” *Solar Energy Indus. Ass’n v. FERC*, 80 F.4th 956, 989 (9th Cir. 2023). Plaintiffs are not required to show that the agency would necessarily have reached a different decision had it complied with NEPA. *Id.* The fact that the National Park Service’s decisions must be later memorialized in a final judgment to be entered by the Court does not eliminate the Agricultural Workers’ standing because the decisions are a foregone conclusion. *Id.* at 990 (“a contingent ‘chain of events’ can create a ‘reasonably probable’ threat to a plaintiff’s interests”).

24. Agricultural Workers have standing under the APA to bring a NEPA claim because their interests are intertwined with the environment. Some of their environmental interests include the loss of safe and sanitary housing for low-income households during the California housing crisis, increasing the number of persons that will be exposed to outdoor air and noise pollution, and increasing food insecurity. The unhoused persons utilization of survival tactics, like waste disposal and burning materials for heat, affects both the health of the individual and the environment.

1 Increased homelessness encampments can contribute to trash ending up in waterways, where it can  
 2 harm aquatic life and increase bacteria levels. There will also be an increased need for California to  
 3 provide public services to support displaced workers and their families and for public safety when  
 4 the State is facing a serious budget deficit. The National Park Service is also depriving the  
 5 Agricultural Workers, and the public, of reviewing and providing input on the National Park  
 6 Service's decision to not renew the ranchers' leases and to evict the Agricultural Workers, as  
 7 required by NEPA.

8       25. Agricultural Workers have standing under the All Writs Act because the National  
 9 Park Service's failure to comply with NEPA and Executive Order 12898 of February 11, 1994, and  
 10 implement the GMPA and ROD is resulting in the National Park Service's decision to not renew  
 11 the ranchers' leases and to evict the Agricultural Workers without due process. These injuries could  
 12 be redressed by a grant of mandamus relief.

13       26. Agricultural Workers have prudential standing because as discussed above all of  
 14 their claims relate to their own legal rights and interests, and are within the zones of interest  
 15 protected by the Fifth Amendment, Fair Housing Act, Declaratory Judgment Act, NEPA, the APA,  
 16 and the All Writs Act. A plaintiff can "satisfy NEPA's zone-of-interests requirement even 'if his or  
 17 her interest is primarily economic, as long as he or she also alleges an environmental interest or  
 18 economic injuries that are 'causally related to an act within NEPA's embrace.'" *Solar Energy Indus.*  
 19 *Ass'n*, 80 F.4th at 990–91.

## 20 **BACKGROUND**

### 21 ***Agricultural Workers***

22       27. Agricultural Workers are of Hispanic origin. Some are undocumented. Agricultural  
 23 Workers live on the ranches, some for a decade. The Agricultural Workers live on the ranches with  
 24 the knowledge and acquiescence of the National Park Service.

25       28. Agricultural Workers' households fall in the extremely low, very low, and low  
 26 income categories, earning less than 80% of median income. The rent they pay is just within the  
 27 limits of affordability for these households. They either pay the rent separately or the rent is  
 28 subtracted from their paychecks.



***Point Reyes National Seashore***

29. The Point Reyes National Seashore located in West Marin County was established by President John F. Kennedy on September 13, 1962. Cattle ranching started in the 1830s and the dairy industry in the late 1850s. From the beginning, the enabling legislation (Public Law 87-657) recognized ranching as a permitted use. The National Park Service has a long history of authorizing the issuance of lease/special use permits (lease/permits) for agricultural, ranching, or dairying purposes, and associated housing. Congress has continued to consistently express a desire that ranching activities continue within the National Seashore.

30. When Congress amended the legislation in 1970 by repealing the prohibition on condemning ranches, the National Park Service was authorized when it acquired the land to continue ranching through retained rights of use and occupancy (as authorized under Section 5 [formerly Section 6] of the National Park Service's enabling legislation), or by using the leasing provisions of the Land and Water Conservation Fund Act. S. Rep. 91-738, at 2, 7–8 (1970); 116 Cong. Rec. S7615 (March 17, 1970).

31. When the legislation was amended in 1978, language was added to facilitate the National Park Service's ability to authorize ranching. In addition to expanding the types of use and occupancy rights that ranchers could retain, Congress included specific leasing authority allowing agricultural lands to be leased back to prior owners or lessees. Any land to be leased by the Secretary of Interior was to be offered first to the person who owned such land or was a leaseholder thereon immediately before its acquisition by the United States. Act of Nov. 10, 1978, Pub. L. No. 95-625, Title III, § 318(b), 92 Stat. 3467, 3486–87; codified as amended at 16 U.S.C. § 459c-5.

32. As is evidenced by some of the leases with the ranches, the National Park Service was well aware that employees of the ranches were living on-site.

***Ranch Comprehensive Management Plan***

33. On November 12, 2012, Congress's long-standing interest in ranching prompted former Secretary of the Interior Salazar to direct the National Park Service to pursue extending permits for the ranchers to 20-year terms. On January 13, 2013, the Director of the National Park Service delegated authority to the Regional Director to enter into leases/permits for the purpose of

1 grazing cattle and operating beef and dairy ranches, along with associated residential uses by the  
2 lessees and their immediate families and their employees, and their employees' immediate families.  
3 The long-term leases were intended to provide greater certainty for the ranches and to continue the  
4 presence of daily and beef ranching operations at the National Seashore. To the Agricultural  
5 Workers' knowledge, these directives remain in place.

6       34. In order to carry out the Secretary's direction, in the spring of 2014, the National  
7 Park Service initiated the development of a Ranch Comprehensive Management Plan. The National  
8 Park Service proclaimed that: "Ranching has a storied history on the Point Reyes peninsula and  
9 surrounding lands and is an important part of the fabric of Point Reyes National Seashore." "These  
10 working ranches are a vibrant part of Point Reyes National Seashore and represent an important  
11 contribution to the superlative natural and cultural resources of these NPS lands. Protection of these  
12 diverse and unique resources is an important responsibility shared by the NPS and park ranchers  
13 within the agricultural lease/permit areas." The Plan had two objectives: (1) enable the National  
14 Park Service to issue 20-year ranch permits; and, (2) devise an effective management strategy for  
15 tule elk.

16       35. In February 2016, three environmental groups, Resource Renewal Institute, Center  
17 for Biological Diversity and Western Watersheds Project, sued the National Park Service claiming  
18 that the National Park Service failed to timely revise its 1980 GMP and that it never analyzed the  
19 environmental impacts associated with authorizing continued ranching. A GMP is required for the  
20 preservation and use of each national park. 54 U.S.C.A. § 100502. Several ranchers and the County  
21 of Marin intervened. The environmental groups objected to ongoing practice of permitting  
22 commercial dairy and cattle ranching in the National Seashore. The environmental groups and the  
23 National Park Service, together with the ranchers and the County of Marin, entered into settlement  
24 negotiations in an effort to resolve the litigation. The multi-party Agreement was approved by the  
25 U.S. District Court on July 14, 2017. Per the multi-party Agreement, the National Park Service  
26 agreed that in lieu of the Ranch Comprehensive Management Plan, it would prepare a GMPA and  
27 EIS addressing the management of the lands currently leased for ranching within the Seashore and  
28 analyzing the environmental impacts of continuing to allow livestock grazing at the Seashore. The

1 National Park Service agreed to consider and evaluate the following alternatives: a no ranching  
2 alternative, no dairy ranching alternative, and a reduced ranching alternative. There was no  
3 requirement that the National Park Service exercise its discretion in a particular manner to select the  
4 preferred alternative.

5 ***General Management Plan Amendment***

6 36. In 2019, Congress directly addressed the GMPA planning process in a Joint  
7 Explanatory Statement accompanying House Joint Resolution 31 (the Consolidated Appropriations  
8 Act, 2019). The Joint Statement noted that “multi-generational ranching and dairying is important  
9 both ecologically and economically” and is “fully consistent with Congress’s intent for the  
10 management of Point Reyes National Seashore.” The statement further expressed the conferees’  
11 “strong support” for the October 2017, GMPA Initial Proposal, which proposed continued ranching  
12 and dairying operations under lease/permits with 20-year terms. H. Rep. 116-9 at 720-21 (2019).  
13 The National Park Service’s Management Policies 2006 (Section 1.4.3.1) direct park managers to  
14 consider Congressional interest, as expressed in enabling legislation, when deciding whether to  
15 allow a legislatively authorized use.

16 37. The formal scoping process for the EIS was initiated on October 31, 2018. Over  
17 1,340 pieces of correspondence were received during the 30-day scoping period. In response to the  
18 Notice of Availability for the DEIS on August 9, 2019, more than 7,600 pieces of correspondence  
19 were received during the comment period. Even after the September 2020 release of the FEIS, the  
20 National Park Service continued to receive a number of letters from other agencies and the public  
21 regarding a variety of issues addressed in the GMPA. This demonstrates the tremendous public  
22 interest in the long-term management of the Point Reyes National Seashore. After considering all  
23 of these comments, the National Park Service made its decision, which was reflected in the GMPA  
24 and ROD dated September 13, 2021.

25 38. The National Park Service adopted a modified alternative B from the EIS. Alternative  
26 B is set forth in the GMPA.

27 39. The GMPA addressed the management of approximately 28,000 acres of land leased  
28 for ranching. The GMPA adopted a new zoning framework and new programmatic management

1 direction for the planning area by establishing two new management zones, the Ranchland zone and  
2 the Scenic Landscape zone. Land in the Ranchland zone has been actively ranched before and after  
3 their acquisition by National Park Service.

4 40. Under the GMPA, multi-generational ranching activities is considered an appropriate  
5 use in the Ranchland zone, and continued occupancy and use of lease/permit areas for multi-  
6 generational ranching will occur according to the management strategies specified in the ROD. The  
7 EIS alternative that the National Park Service selected authorized it to issue lease/permits with up  
8 to 20-year terms to existing families who agree to undertake required actions to continue ranching  
9 operations on approximately 25,500 acres. The National Park Service decided that the longer term  
10 leases (i.e., 20 years) will allow ranchers to amortize increased investment in the operational  
11 infrastructure required to maintain historic structures and meet expectations for implementation of  
12 Management Activities, which mitigate potential natural resource impacts. As a condition of the  
13 lease/permit, all ranch worker housing was required to be maintained in a safe and sanitary condition  
14 to ensure the health and well-being of occupants. The National Park Service also determined that in  
15 some cases, conversion of permanent pasture to seasonal grazing regimes in coordination with  
16 ranchers may achieve desired conditions for grassland habitat and fire protection while also reducing  
17 potential water quality impacts. This is what the public and the Agricultural Workers had every  
18 reason to believe would occur, and this is the only action that could legally proceed under the ROD.

19 41. The National Park Service's decision to continue permitting ranching is expressly  
20 permitted by law, which provides that the "Secretary, under such regulations and on such terms as  
21 the Secretary may prescribe, may grant the privilege to graze livestock within a System unit when,  
22 in the Secretary's judgment, the use is not detrimental to the primary purpose for which the System  
23 unit was created." 54 U.S.C.A. § 102101(a)(2). The National Park Service made the requisite non-  
24 impairment determination for the selected alternative that continued ranching.

25 42. The National Park Service determined that the "selected action considers ranching  
26 an appropriate use of park lands in the Ranchland zone and manages ranching through a number of  
27 new approaches that will support desired conditions for the planning area. Only grazing will be  
28 allowed in the Range subzone which comprises more than 60% of the Ranchland zone. As

1 documented in the EIS and USFWS [U.S. Fish and Wildlife Service] Biological Opinion, grazing  
2 is not only compatible with the resource conditions in this zone, it also helps support populations of  
3 some federally-listed plant species.” ROD, p. 47.

4 43. According to “the EIS analysis, NPS has determined that a continued grazing regime  
5 within the grasslands (representing approximately 60% of the planning area and over half of the  
6 Range subzone and 86% of the Pasture subzone) is important to maintain many natural and cultural  
7 resources including rare plants, native and naturalized grasslands, and the historic cultural  
8 landscape. In their 2021 Biological Opinion, USFWS concluded that “the general changes to  
9 ranching in Point Reyes National Seashore and the north district of Golden Gate National Recreation  
10 Area will not have noticeable negative effects on the populations (California red-legged frog,  
11 western snowy plover, Myrtle’s silverspot butterfly, beach layia, Sonoma alopecurus and Sonoma  
12 spineflower) and in some cases may actually improve conditions. This is supported by the general  
13 positive trends since the 2002 biological opinion on Ranching Activities in Point Reyes (USFWS  
14 2002) was issued.” Grazing is also necessary to prevent further encroachment by shrubland and  
15 forest habitat, which are abundant elsewhere in the park outside of the planning area. Protecting the  
16 park’s grasslands is consistent with the Seashore’s legislative history which cited the large expanses  
17 of pastureland and their contribution to the scenic beauty of the area as a factor supporting the  
18 establishment of Point Reyes as a unit of the national park system.” ROD, p. 47.

19 44. GMPs are required to articulate measures for the preservation of an area’s resources.  
20 Accordingly, the Biological Assessment for the GPA prepared by the U.S. Fish and Wildlife Service  
21 identifies management strategies for the preservation of the area resources. These include targeted  
22 grazing to maintain rare and endangered habitat and species.

23 45. The National Park Service developed a template of the ranch leases that would  
24 greatly benefit Agricultural Workers. Among other things, the leases would have:

- 25 A. provided housing security for at least twenty years;
- 26 B. expressly recognized that housing on the ranches would be rented or otherwise  
27 offered to ranch workers (together with their families) who are employed on a ranch within Point  
28 Reyes National Seashore;

1 C. ensured that worker housing is safe, sanitary, and decent and that the physical  
2 condition of such housing complies with all applicable laws, including building codes, and that the  
3 exterior areas around the housing units would remain clean and slightly;

4 D. provided for ranch workers to have housing rental agreements with the ranchers that  
5 would comply with applicable laws, including landlord-tenant laws;

6 E. provided that any rents charged for the housing would not exceed rental rates  
7 identified in the appraisal for the ranch;

8 F. reserved the right of the National Park Service to inspect ranch worker housing and  
9 to review ranch worker rental agreements to ensure that housing conditions and rental rates comply  
10 with the lease terms;

11 G. ensured cyclic maintenance for worker housing;

12 H. ensured that all utilities on the ranch (e.g., water, electric, sewer/septic, propane)  
13 would be operational at all times;

14 I. ensured all fire protection systems including alarms, sprinkler systems and  
15 extinguishers would be inspected on an annual basis, and maintained in full operating condition at  
16 all times; and,

17 J. provided that at all times during the term of the lease that the ranchers would maintain  
18 in full force and effect Workers' Compensation and Employer's Liability Insurance.

19 46. The National Park Service acknowledged in the ROD that multi-generational  
20 ranching is a legislatively authorized use for lands in Point Reyes and that "the legislative record  
21 reflects decades of Congressional support for beef and dairy ranching on lands in the planning area,  
22 as well as a recognition of the linkage between ranching and maintenance of the park's scenic and  
23 pastoral qualities. This history together with the recent reaffirmation of Congressional support for  
24 ranching confirm that ranching remains an appropriate use of park lands today. In accordance with  
25 NPS [National Park Service] Management Policies Section 1.4.3.1, the NPS has determined that  
26 ranching may continue provided that it does not cause impairment or unacceptable impacts to park  
27 resources."

28 ///

*Environmental Groups Litigation Against the National Park Service*

47. Even though the environmental groups had agreed to this process, on January 10, 2022, they filed the Environmentalists' Lawsuit in federal court challenging the National Park Service's approval of the GMPA. They alleged that allowing ranching to continue would cause water pollution, and impact fish and the tule elk, among other claims. Their intention is to shut down all ranching and prevent new ranches from being established.

48. The 2017 multi-party Agreement did not preclude the National Park Service from selecting a GMPA alternative that allowed long term leases with the ranchers. The environmental groups do not contend that the National Park Service breached the 2017 multi-party Agreement. Rather, the environmental groups simply do not like the result. They want to control the content of the GMPA and ROD.

49. Several ranchers and the Point Reyes Seashore Ranchers Association intervened to protect their rights. The ranchers hold interim and long term, multi-generational leasehold interests, Rights of Use and Occupancy ("RUO's").

50. Agricultural Workers have an interest in those leasehold rights as they have long rented and occupied housing, including as a part of their employment arrangement with the ranchers. They have an actual current and ongoing lawful possessory interest. If the ranchers' leasehold interests are terminated as a result of the Environmentalists' Lawsuit, Agricultural Workers will lose not only their jobs, but also their housing.

51. Recent news coverage and letters to the Court shows that the public interest in this matter has not waned. According to newspaper reports, the parties have been engaging in a secret negotiation process to reject the decisions made in the GMPA that was developed through a public process. Reports indicate that the National Park Service is on the cusp of reversing course on allowing multi-general ranching contrary to Congress' clear intent that ranching remain. Agricultural Workers are informed and believe that under the terms of the settlement, the National Conservancy will buy out the ranch leases and the ranchers will relinquish their leases and close down the ranches, including vacating worker housing. The ranches and worker housing will be converted to public use.



1           52.     Agricultural Workers are informed and believe that the settlement agreement is being  
2 based in part on alternative operating scenarios that the National Park Service rejected. These  
3 alternatives were rejected because, for example, the grazing benefits that support grassland habitat  
4 features and associated wildlife habitat would be lost, the integrity of the Point Reyes Peninsula  
5 Dairy Ranches Historic District would be diminished, and an increase in fuel loading and thereby  
6 fire risk. Agricultural Workers are informed and believe that the National Park Service is leaning  
7 on these rejected alternatives precisely for the purpose of avoiding reopening the EIS, analyzing the  
8 impacts of eliminating agricultural worker housing, and allowing for public input.

9           53.     Secretly negotiating public policy is directly contrary to the requirements of  
10 transparency in government decision-making. By cloaking the public decision-making process  
11 within the confines of “confidential mediation,” the National Park Service has thwarted the public’s  
12 right to know. Transparency is the foundation of democracy allowing citizens to scrutinize  
13 government actions and hold officials accountable. There is no public interest represented at the  
14 table, let alone Agricultural Workers that will be directly affected by the settlement under  
15 consideration.

16           54.     Agricultural Workers are informed and believe that the National Park Service has no  
17 intention of allowing anyone other than the parties to participate in its decision-making. Any  
18 agreement will only be reviewed and approved by the parties. As such, this lawsuit may provide the  
19 only mechanism for the Agricultural Workers to challenge the National Park Service’s settlement  
20 terms before they are implemented.

21           55.     The Agricultural Workers and the public are entitled to know the people’s  
22 business and provide input before a judgment is entered. The secret negotiations and imposition of  
23 a gag order make this impossible. The National Park Service should disclose to the public the  
24 substance of the negotiations, lift the gag order, hold public workshops, provide a formal comment  
25 period, produce a revised EIS, and issue another ROD before a judgment is entered in the  
26 Environmentalists’ Lawsuit.

27           56.     None of the current parties to the Environmentalists’ Lawsuit represent the interests  
28 and legal rights of the Agricultural Workers. Agricultural Workers’ attempts to intervene were met



1 with considerable opposition from the environmental groups and National Park Service. The  
 2 Agricultural Workers are not parties to the Environmentalists' Lawsuit , and their legal rights and  
 3 remedies will not be decided in that proceeding. As such, the Agricultural Workers were left with  
 4 no option but to file their own lawsuit to ensure their interests are protected.

5 57. The ROD and EIS remain valid under the law.

### 6 *California's Housing Crisis*

7 58. California is at the epicenter of the nation's housing crisis. The high cost of housing  
 8 is particularly devastating for people with the lowest incomes. There are enough subsidized housing  
 9 vouchers to meet the needs of all eligible households. The burdens of housing insecurity hits  
 10 minorities the hardest.

11 59. Pursuant to the 1948 Universal Declaration of Human Rights, there is a human right  
 12 to adequate housing. Shelter is necessary for human existence. The right to adequate housing  
 13 includes security of tenure, equal and non-discriminatory access to adequate housing, affordability,  
 14 and participation in housing-related decision-making.

15 60. Most recently, on November 23, 2024, California Governor Gavin Newsom, signed  
 16 a legislative package to strengthen California's laws addressing the housing and homelessness crisis.  
 17 The legislation mandated that locals plan for housing for extremely vulnerable residents and increase  
 18 accountability. So, while California is attempting to address the housing shortage, the National Park  
 19 Service is planning on evicting the Agricultural Workers and adding to the homelessness problem  
 20 in this State.

21 61. The Agricultural Workers have been searching for affordable housing, but have not  
 22 been able to find a place to live. This is because there is a severe lack of affordable housing in West  
 23 Marin County, and a backlog of persons needing assistance finding interim housing, rental  
 24 assistance, and permanent housing. Because there are insufficient County services to address the  
 25 current housing shortage, Agricultural Workers and their families are at risk of becoming unhoused  
 26 if the environmental groups and National Park Service settle their lawsuit as reported. The  
 27 Agricultural Workers would be seriously affected if they are required to relocate to secure affordable  
 28 housing. For example, they would leave behind familiar surrounds and support systems, experience

1 isolation, and suffer from multiple stresses that affect mental well-being. Children may struggle to  
 2 adapt to a new school system potentially impacting their academic performance.

### 3 **FIRST CAUSE OF ACTION**

#### 4 **Fifth Amendment – Procedural Due Process/Equal Protection**

5 62. Plaintiffs incorporate by reference all previous allegations as if set forth in full.

6 63. The Fifth Amendment to the U.S. Constitution provides that no person shall be  
 7 deprived of life, liberty, or property, without due process of law. Fair play is the essence of “due  
 8 process.”

9 64. Agricultural Workers belong to a recognized minority group.

10 65. Agricultural Workers have a liberty interest in their existing housing. The U.S.  
 11 Supreme Court has recognized that the right to establish a home is part of the liberty guaranteed by  
 12 the due process clause of the Fourteenth Amendment. *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).  
 13 *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972)(the liberties protected by the due  
 14 process clause include the right to establish a home). *Griswold v. Connecticut*, 381 U.S. 479, 484  
 15 (1965) (the Fifth Amendment provides protection against all governmental invasions “of the sanctity  
 16 of a man’s home and the privacies of life.”). The federal government cannot unduly interfere with  
 17 a person’s ability to obtain and maintain housing.

18 66. Agricultural Workers also have a legitimate claim of entitlement to their homes. The  
 19 National Park Service knows that they live on the ranches and acquiesced to their physical  
 20 possession for years. The protections of the due process clause extend to any significant property  
 21 interest. *Fuentes v. Shevin*, 407 U.S. 67 (1972). Property interests protected by the Fifth Amendment  
 22 include possessory interests. *Dunbar Corp. v. Lindsey*, 905 F.2d 754, 760 (4th Cir. 1990).  
 23 Agricultural Workers’ possessory property interests are established by the federal Fair Housing Act  
 24 (42 U.S.C. §§ 3601 et seq.) that prohibits discriminatory disparate impacts, the California Fair  
 25 Employment and Housing Act (Gov. Code, §§ 12955 et seq.) that protects tenants from  
 26 discrimination, and the California Tenant Protection Act (Civil Code, § 1946.2) that requires “just  
 27 cause” to evict tenants. By closing down the ranches, the National Park Service is evicting the  
 28 Agricultural Workers. Tenants cannot be evicted without due process. *Richmond Tenants Org., Inc.*

1 v. *Kemp*, 956 F.2d 1300 (4th Cir. 1992). Further, as long as there was some dispute as to the right  
2 of continued possession, a possessor is entitled to due process. *Dunbar Corp.*, 905 F.2d at 760.

3 67. Agricultural Workers' liberty and property interests detailed above have been  
4 invaded by the National Park Service without due process. The National Park Service did not  
5 provide sufficient due process, such as disclosing to the public the substance of the negotiations,  
6 lifting the gag order, holding public workshops, providing a formal comment period, producing a  
7 revised EIS, and issuing another ROD before a judgment is entered in the environmentalists'  
8 lawsuit.

9 68. The National Park Service's purported justification for the invasion, to settle a  
10 lawsuit with terms that are contrary to result from the public process, is not compelling or rationally  
11 related to a legitimate government interest, goal, objective or purpose.

12 69. The procedures the National Park Service intends to follow to settle the  
13 Environmentalists' Lawsuit are constitutionally inadequate to evict the Agricultural Workers from  
14 their homes. The entire purpose of the ROD was to decide whether multi-generational ranching  
15 would continue. The ROD informed the public and Agricultural Workers that the National Park  
16 Service would allow the ranches to operate for at least another twenty years. There has been no  
17 public process that would permit the National Park Service to reverse course on its decisions articulated  
18 in the ROD. Rather, the negotiations are being conducted in secret. The Agricultural Workers' are  
19 informed and believe that the National Park Service does not intend to provide any due process to  
20 the Agricultural Workers before agreeing with the environmental groups' demands to cease  
21 ranching and vacate all structures at the National Seashore.

22 70. Because the National Park Service's action will deprive the Agricultural Workers of  
23 their property interests and the basic human right to housing, at a minimum the Agricultural Workers  
24 are entitled to pre-deprivation due process consisting of the government providing fair notice of its  
25 actions, holding a hearing before an impartial tribunal, and giving the affected persons the right to  
26 be heard and present their case. Specifically, the National Park Service should disclose to the public  
27 the substance of the negotiations, lift the gag order, hold public workshops, provide a formal  
28 comment period, produce a revised EIS, and issue another ROD before a judgment is entered in the

1 environmentalists' lawsuit.

2 71. The Fifth Amendment also prohibits denying to any person the equal protection of  
3 the law. *United States v. Windsor*, 570 U.S. 744, 774 (2013). In other words, all persons similarly  
4 situated should be treated alike. The U.S. Supreme Court's "decisions have established that  
5 classifications based on alienage, like those based on nationality or race, are inherently suspect and  
6 subject to close judicial scrutiny. Aliens as a class are a prime example of a 'discrete and insular'  
7 minority." *Graham v. Richardson*, 403 U.S. 365, 371–72 (1971)(footnotes omitted).

8 72. The ranchers and the Agricultural Workers are both losing their livelihood and homes  
9 as a direct result of the National Park Service's decisions. Despite the fact that they are similarly  
10 situated, the National Park Service is intentionally treating the Agricultural Workers differently from  
11 the ranchers and doing so without a rational basis or compelling reason. The National Park Service  
12 has opposed Agricultural Workers request to intervene in its case with the environmental groups so  
13 that they can protect their interests, but did not oppose the ranchers similar request. The National  
14 Park Service has excluded the Agricultural Workers from the negotiations that will affect their  
15 livelihoods and housing, while the ranchers are allowed to represent their interests. Agricultural  
16 Workers are informed and believe that the National Park Service is facilitating a compensation plan  
17 for the ranchers, but not the Agricultural Workers. This is a race based classification that qualifies  
18 as discriminatory conduct, which is injurious and not justified.

## 19 **SECOND CAUSE OF ACTION**

### 20 **Fair Housing Act (Title VIII of the Civil Rights Act of 1968)** 21 **42 U.S.C. §§ 3601 et seq.**

22 73. Plaintiffs incorporate by reference all previous allegations as if set forth in full.

23 74. The National Park Service is the landlord. The Agricultural Workers are sublessees.

24 75. The Fair Housing Act (Title VIII of the Civil Rights Act of 1968), 42 U.S.C.A. §§  
25 3601 et seq., is the federal statute that protects homebuyers and renters from discrimination on the  
26 basis of race, color, religion, sex, national origin, familial status, and disability.

27 76. "A disparate impact analysis examines a facially-neutral policy or practice ... for its  
28 differential impact or effect on a particular group." *Rivera v. Inc. Vill. of Farmingdale*, 784 F. Supp.

1 2d 133, 142 (E.D.N.Y. 2011). A party may establish a disparate impact by showing that the  
2 challenged action had the effect of discriminating on the basis of race or one of the other criteria  
3 barred by the Act. *Southwest Fair Housing Council, Inc. v. Maricopa Domestic Water Improvement*  
4 *District*, 17 F.4th 950 (9th Cir. 2021). *Id.* A party is not required to show that the party responsible  
5 for those policies or practices had intended to discriminate on such grounds. 42 U.S.C. § 3604.

6 77. The National Park Service’s decision to treat similarly situated lessees differently  
7 causes a significantly adverse or disproportionate impact on a protected group of individuals.  
8 Agricultural Workers are informed and believe that the ranchers will be compensated so that they  
9 can locate comparable housing. The National Park Service has not offered any compensation or  
10 affordable housing options for the Agricultural Workers. There is a serious shortage of affordable  
11 housing and extremely long waiting lists for public assistance in West Marin County. Because the  
12 Hispanic Agricultural Workers have an overall proportionally greater need for affordable housing  
13 than the ranchers, the National Park Service’s decision deprives Hispanics of affordable housing  
14 with a disproportionate impact.

15 78. The National Park Service’s decision is not bona fide and legitimate. To appease the  
16 environmental groups, Agricultural Workers are informed and believe that the National Park Service  
17 is discarding a decade of studies and analysis demonstrating that the continuation of the multi-  
18 generational ranching is preferred; a decision that was also the outcome of an open, legitimate public  
19 process. Further, the National Park Service is making concessions relative to the environmental  
20 groups’ NEPA claims based in part on guidelines issued by the Council on Environmental Quality  
21 (“CEQ”) that were invalidated on November 12, 2024, by District of Columbia Circuit Court of  
22 Appeals in the case of *Marin Audubon Society v. Fed. Aviation Administration*.

23 79. There are less discriminatory alternatives that can achieve the National Park  
24 Service’s objectives of eliminating ranching at the National Seashore, such as adaptive reuse of the  
25 existing housing on the ranches that would allow the Agriculture Workers to remain permanently at  
26 affordable rent levels, or replenishment housing. In fact, the EIS recognizes the benefits of adaptive  
27 reuse of the existing structures.

28 ///



**FOURTH CAUSE OF ACTION**

**National Environmental Policy Act 42 U.S.C. §§ 4321 et seq.**

**Under the Administrative Procedures Act, 5 U.S.C. §§ 551 et seq.**

88. Plaintiffs incorporate by reference all previous allegations as if set forth in full.

89. NEPA expressly requires that a federal agency, like the National Park Service, engage the public before it makes a decision and that engagement is required “to inform the public of an agency’s proposed action, allow for meaningful engagement during the NEPA process, and ensure decision makers are informed by the views of the public.” 42 U.S.C. § 4332. The National Park Service asserts that it is not required to solicit input on the settlement agreement.

90. The National Park Service cannot under the guise of settlement arrive at a decision in the absence of NEPA review and that circumvents its consideration of public input. The purpose of NEPA is to inform decision-making; it is not an ad hoc rationalization of a decision already made. NEPA certainly does not sanction the secret process that the National Park Service is utilizing.

91. NEPA imposes procedural requirements designed to force agencies to take a “hard look” at environmental consequences. *Earth Island Inst. v. U.S. Forest Serv.*, 351 F.3d 1291, 1299 (9th Cir. 2003).

92. The National Park Service asserts that it is not required to review the environmental impacts, nor prepare any type of assessment, analyzing the impacts of its decisions to not renew the ranchers’ leases and evict the Agricultural Workers. This is not a correct recitation of the law. None of the alternatives studied in the EIS address impacts associated with the eviction of the Agricultural Workers or the cumulative impacts caused by the combination of the elimination of both ranching and Agricultural Worker housing.

93. The National Park Service has failed to take the requisite “hard look” at the environmental consequences caused by its decisions, specifically:

- A. Loss of safe and sanitary housing for low income households within the context of California’s housing crisis.
- B. Loss of long term housing security and displacement.
- C. Increased number of unhoused individuals and households that will be exposed to



1 more: outdoor air pollution that leads to higher incidence of cardiovascular and respiratory  
 2 mortality rates; noise pollution; interactions with police; crime and violence; criminalization  
 3 by anti-camping ordinances; food insecurity; difficulties with evacuations during  
 4 emergencies; extreme heat and cold temperatures; and infectious diseases. The unhoused  
 5 persons lack access to clean water and sanitary services. Their utilization of survival tactics,  
 6 like waste disposal and burning materials for heat, affects both the health of the individual  
 7 and the environment. They are also separated from community identity.

8 D. Increased homelessness encampments that can contribute to trash ending up in  
 9 waterways, where it can harm aquatic life and increase bacteria levels.

10 E. Increased need for California to provide public services to support displaced workers  
 11 and their families and for public safety when the State is facing a serious budget deficit.

12 The National Park Service's failure to analyze and disclose these impacts violates NEPA.

13 94. An EIS should include a reasonably complete discussion of possible mitigation  
 14 measures, and its omission undermines NEPA's "action-forcing" function. While adaptive reuse of  
 15 structures in the ranch complexes is specifically recognized in the FEIS as a strategy for maintaining  
 16 structures and historical preservation, it should be implemented as a mitigation measure to provide  
 17 affordable housing for the Agricultural Workers. This mitigation measure would have long-term,  
 18 beneficial effects for the community. The Secretary is authorized to enter into leases for buildings  
 19 and associated property. 54 U.S.C. § 102102.

20 95. NEPA also "requires agencies to prepare a detailed EIS for any "major Federal  
 21 actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). The  
 22 threshold for NEPA analysis "is relatively low: 'It is enough for the plaintiff to raise substantial  
 23 questions whether a project may have a significant effect on the environment.'" *Earth Island Inst.*,  
 24 351 F.3d at 1299.

25 96. The National Park Service's decision to cease multi-generational ranching and evict  
 26 the Agricultural Workers from their housing constitutes a major Federal action significantly  
 27 affecting the quality of the human environment for which an EIS is required, but has not been  
 28 prepared.



1           97.     The National Park Service is also failing to comply with Executive Order 12898 of  
2 February 11, 1994. Under this Order federal agencies are required to consider alternatives that will  
3 avoid or minimize “disproportionately high and adverse” impacts on low-income communities or  
4 communities of color. There has been no environmental justice analysis of National Park Service’s  
5 decision to eliminate housing.

6           98.     The Executive Order also requires a federal agency to “conduct its programs,  
7 policies, and activities that substantially affect human health or the environment, in a manner that  
8 ensures that such programs, policies, and activities do not have the effect of excluding persons  
9 (including populations) from participation in, denying persons (including populations) the benefits  
10 of, or subjecting persons (including populations) to discrimination under, such programs, policies,  
11 and activities, because of their race, color, or national origin.” But, this is exactly what the National  
12 Park Service proposes by preventing the Agricultural Workers from participating in the litigation  
13 to protect their interests. Participation as mere observers at mediation with no rights or party status,  
14 as suggested by the National Park Service , is just another way of sidelining minority and low-  
15 income populations.

16           99.     A court may set aside a final agency action that is “arbitrary, capricious, an abuse of  
17 discretion, or otherwise not in accordance with law”, contrary to a constitutional right, in excess of  
18 its statutory jurisdiction, authority, or limitations, or short of statutory right, or “without observance  
19 of procedure required by law.” 5 U.S.C. § 706(2). Among other things, the National Park Service’s  
20 decision to evict the Agricultural Workers is not the result of an extensive analysis of various  
21 alternatives. There is no explanation of how National Park Service reached its decisions.

22           100.    When an agency violates NEPA, the presumptive remedy is vacatur of the deficient  
23 action. *Solar Energy Indus. Ass’n*, 80 F.4th at 997. Vacatur of the National Park Service’s decisions  
24 is appropriate because under the Ninth Circuit’s test, the seriousness of the agency’s errors out  
25 weight the disruptive consequences of an interim change that may itself be changed. The National  
26 Park Service will not seek public review and input, and it has ignored serious environmental impacts  
27 caused by its decisions. If the National Park Service’s decision is allowed to remain in place while  
28 it complies with NEPA, the Agricultural Workers will lose their homes, which would make any

1 injunctive or declaratory relief meaningless.

2 **FIFTH CAUSE OF ACTION**

3 **Writ of Mandate/Mandamus (All Writs Act), 28 U.S.C. § 1651**

4 101. Plaintiffs incorporate by reference all previous allegations as if set forth in full.

5 102. Mandamus will lie to compel an administrative agency to perform a mandatory,  
6 ministerial duty or non-discriminatory act, to take action upon a matter, or exceeded its authority,  
7 to follow the applicable requirements of agency regulations, or to act in the public interest. 28 U.S.C.  
8 § 1651. *City of Rochester v. U.S. Env't Prot. Agency*, 496 F. Supp. 751, 765 (D. Minn. 1980)

9 103. The National Park Service has a mandatory, ministerial duty under NEPA to engage  
10 the public before it makes a decision, take a “hard look” at environmental consequences of its  
11 decisions, consider possible mitigation measures, and comply with Executive Order 12898 of  
12 February 11, 1994. The National Park Service has not complied with any of these requirements  
13 relative to its decisions to cease multi-generational ranching and evict the Agricultural Workers  
14 from their homes. In the absence of compliance with these requirements, the National Park Service  
15 lacks legal authority to implement decisions that are contrary to alternative B as expressed in the  
16 ROD, and is not acting in the public interest.

17 104. The National Park Service is required to provide the Agricultural Workers with due  
18 process that consists of providing fair notice of its actions, holding a hearing before an impartial  
19 tribunal as part of the Writ cause of action, and giving the affected persons the right to be heard and  
20 present their case.

21 105. There is no adequate alternative remedy to mandamus relief to require the National  
22 Park Service to comply with the law.

23 **PRAYER**

24 WHEREFORE, Agricultural Workers respectfully prays for relief as follows:

25 1. A declaration that the National Park Service: has discriminated against the  
26 Agricultural Workers and violated their Fifth Amendment rights to due process and equal protection  
27 of the law, the Fair Housing Act, and NEPA; has a legal obligation and duty to provide due process  
28 before evicting the Agricultural Workers; and, is required to provide the same opportunities,

1 benefits, and a comparable level of non-monetary compensation to the Agricultural Workers for  
2 housing as it is doing for the ranchers.

3       2. Preliminary and permanent injunctive relief prohibiting the National Park Service  
4 from: (1) settling the Environmentalists' Lawsuit, Case No. 3:22-cv-145-MMC, by agreeing not to  
5 extend the ranchers' leases for twenty years and not to allow the Agricultural Workers to remain in  
6 their homes for the same duration; (2) implementing a GMPA that is not the same one identified as  
7 alternative B in the ROD; and, (3) evicting the Agricultural Workers from their homes located in  
8 the National Seashore. .


9       3. A writ of mandate ordering the National Park Service to comply with NEPA and  
10 Executive Order 12898 before making any decisions that are different from alternative B as stated  
11 in the ROD.

12       4. A writ of mandate ordering the National Park Service to permit Agricultural Workers  
13 to continue to live in their homes located in the National Seashore.

14       5. For such further and other relief as the Court deems just and proper.  
15

16 DATED: December 12, 2024

HANSON BRIDGETT LLP

17  
18 By:   
19 ANDREW G. GIACOMINI  
20 PATRICK BURNS  
21 ALENE M. TABER  
22 BIANCA A. VELEZ  
23 Attorneys for Plaintiffs  
24 DOES 1-100, Individual Persons  
25  
26  
27  
28